

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FRANKIE LEE MCCANN JR.,

Plaintiff,

vs.

HELENA PRERELEASE CENTER, ET AL.,

Defendants.

CV 24-50-H-DLC

ORDER

Plaintiff Frankie Lee McCann, Jr., filed a Complaint alleging retaliation against him at the Helena Prerelease Center. (Doc. 1). The Complaint failed to state a federal claim for relief. McCann was given the opportunity to amend to correct the Complaint's deficiencies. (Doc. 8.) He filed an Amended Complaint, but it too fails to state a claim and is dismissed. (Doc. 10.)

Section 1915A(b) requires the Court to dismiss a complaint filed by a detainee against a governmental defendant before it is served if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. The Court's prior Order discussed, in detail, that McCann needed to plead more facts to show his entitlement to relief. (Doc. 8 at 5 – 6.) The analysis will not be repeated and is incorporated here. However, McCann's Amended Complaint failed to provide additional details, and, in fact, provided fewer details in some respects. He did

amend his claim for damages in response to the Court's direction.

The Court has considered whether McCann's Complaint is frivolous, malicious, fail to state a claim, or seek solely monetary relief from a defendant who is immune. *See* 28 U.S.C. § 1915A(b). McCann's allegations are insufficient to state a claim for relief and are dismissed.

Based upon the foregoing, the Court issues the following:

ORDER

1. McCann's Amended Complaint is dismissed for failure to state a claim.
2. The Clerk of Court is directed to close this matter and enter judgment.

The Clerk is directed to have the docket reflect that the filing of this matter counts as a strike against McCann.

3. The docket shall reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 13th day of December, 2024.



Dana L. Christensen, District Judge
United States District Court